

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

ROBERT SCHMIDT,)	CASE NO. 1:12 CV 2779
)	
Plaintiff,)	JUDGE CHRISTOPHER A. BOYKO
)	
v.)	MAGISTRATE JUDGE
)	WILLIAM H. BAUGHMAN, JR.
JAY HOWARD HODGE, <i>et al.</i> ,)	
)	
Defendants.)	<u>REPORT AND RECOMMENDATION</u>

Defendant Regal Auto Body and Service Incorporated has defaulted on the amended complaint filed by plaintiff Robert Schmidt. Schmidt has filed proofs of service certifying that service was made by delivery upon Susan Kirchner; an officer, manager, or general agent of Regal; and upon a manager of Regal; on February 9, 2013.¹ Regal has not to date moved or pled in response to the amended complaint. A notice of default has now issued.² Schmidt has filed a motion for default judgment.³ In that motion Schmidt asks for judgment as to Regal's liability, with damages to be determined at a later hearing.⁴

On consideration whereof, I hereby recommend that the pending motion for default judgment be granted and that the Court enter judgment as to liability against Regal on Schmidt's motion.

¹ ECF #s 11 and 12.

² ECF # 49.

³ ECF # 44.

⁴ *Id.*

A hearing as to damages should be held at a later date.

Dated: January 16, 2014

s/ William H. Baughman, Jr.
United States Magistrate Judge

Objections

Any objections to this Report and Recommendation must be filed with the Clerk of Courts within fourteen (14) days of receipt of this notice. Failure to file objections within the specified time waives the right to appeal the District Court's order.⁵

⁵ See, *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981). See also, *Thomas v. Arn*, 474 U.S. 140 (1985), *reh'g denied*, 474 U.S. 1111 (1986).